

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:24-cv-00151-MR-WCM**

JACK SMITH and KERSTIN A. )  
LANIER, )  
Plaintiffs, )  
vs. )                   **ORDER**  
JOHN LEITE & LISA CLARK TRUST, )  
Defendant. )  
\_\_\_\_\_  
)

**THIS MATTER** is before the Court on the Plaintiffs' Response to Court's Show Cause Order. [Doc. 7].

On September 3, 2024, the Court entered an Order directing the Plaintiffs to show cause in writing within fourteen (14) days for their failure to effect service on the Defendant. [Doc. 5]. The Plaintiffs filed a Response to the Court's Order on September 12, 2024, indicating that after multiple unsuccessful attempts, service finally was effected on the Defendant, although outside of the 90-day window for service under Rule 4 of the Federal Rules of Civil Procedure. [Doc. 7].

Upon review of the Plaintiffs' Response, the Court concludes that the Show Cause Order should be discharged and that this case should be allowed to proceed.

**IT IS, THEREFORE, ORDERED** that the Show Cause Order [Doc. 5] is hereby **DISCHARGED**, and this case shall be allowed to proceed.

**IT IS SO ORDERED.**

Signed: September 22, 2024



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Martin Reidinger  
Chief United States District Judge

